IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 321/2007

JAIKAM Vs. STATE OF RAJASTHAN & ANR.

DATE: 09.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Azad Ahmed for the petitioner.
Mr. B.S. Chhaba, P.P. for the State.

****

The instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 03.04.2006 passed by the Additional Civil Judge (Jr. Division) & Judicial Magistrate No.1, Alwar in Case No. 1/104/03 and the order dated 22.02.2007 passed by the Additional District & Sessions Judge, Alwar in Appeal No. 19A/2007 whereby the appeal of the petitioner has been dismissed on the ground of limitation.

The trial Court vide its judgment dated 03.04.2006, granted maintenance of Rs. 2,000/- per month in favour of the respondent-wife and Rs. 1000/- per month for her daughter Tasleema, totaling to Rs. 3,000/- per month from the date of filing of the application i.e. 14.05.2003.

Learned counsel for the petitioner only prayed that the maintenance awarded by the trial Court should

be awarded from date of passing of the judgment i.e. 03.04.2006, whereas the same has been awarded from the date of filing of the application i.e. 14.05.2003.

Having considered the submissions made by the learned counsel for the petitioner and looking to the facts and circumstances of the case, in the interest of justice, I deem it proper to modify the impugned judgment dated 03.04.2006 passed by the trial Court to the extent that the order of maintenance will be effective from the date of passing of the judgment i.e. 03.04.2006 and not from the date of filing of the application i.e. 14.05.2003.

Accordingly, the impugned judgment dated 03.04.2006 passed by the Additional Civil Judge (Jr. Division) & Judicial Magistrate No.1, Alwar is modified as indicated herein above and the revision petition stands disposed of.

(K.S. RATHORE),J.

/KKC/